

IN THE DRAWINGS

In accordance with MPEP 608.02(p), Applicant presently submits a marked-up copy of the drawing (labeled "Annotated Sheet") and a replacement drawing (labeled "Replacement Sheet").

The attached sheets include changes to Fig. 4. The sheets, which include only Fig. 4, replace the original sheet including only Fig. 4. In as-filed Fig. 4, an element 412 is shown to accept a signal labeled "PN_n", which is presently corrected to show "PN₁" thereby corresponding to the description at paragraph [0043] of the as-filed application.

Attachments: "Annotated Sheet" showing changes

"Replacement Sheet"

REMARKS

Claims 1-11 and 15-20 were pending in the present application. Claims 1, 2, 5 and 6 are presently amended. Claims 12-14 and 21-26 are withdrawn. Thus, claims 1-11 and 15-20 will be pending in this application after submission of this amendment. Applicant believes that the present application is in condition for allowance in view of the foregoing comments; thus, a prompt and favorable action to this end is respectfully requested.

I. AMENDMENTS TO THE SPECIFICATION

Applicant amends the Specification as indicated above. Amendments are made to improve readability.

II. AMENDMENTS TO THE CLAIMS

Applicant withdraws Claims 12-14 and 21-26. Furthermore, Applicant amends Claims 1, 2, 5 and 6 to improve readability.

III. AMENDMENTS TO THE DRAWINGS

Applicant amends the Drawings as indicated herein.

The attached sheets include changes to Fig. 4. The sheets, which include only Fig. 4, replace the original sheet including only Fig. 4. In as-filed Fig. 4, an element 412 is shown to accept a signal labeled “PN_n”, which is presently corrected to show “PN₁” thereby corresponding to the description at paragraph [0043] of the as-filed application.

IV. ELECTION/RESTRICTIONS

The Examiner restricts the Applicant to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-11 and 15-20 are drawn to determining a search window, classified in class 370; subclass 328.
- II. Claims 12-14 and 21-26 are drawn to determining a frequency hypothesis, classified in class 370, subclass 441.

During a telephone conversation on April 26, 2007, between the Examiner and Attorney for Applicant, Linda G. Gunderson, a provisional election was made without

traverse to prosecute Claims 1-11 and 15-20 (Group I). Applicant affirms this election and presently withdraws Claims 12-14 and 21-26 (Group II) from consideration by the Examiner. Inventorship remains unchanged by the present restriction and election.

V. REJECTION UNDER 35 U.S.C. §102(e)

The Examiner rejected Claims 1-11 and 15-20 under 35 U.S.C. §102(e) as being anticipated by Soliman (U.S. Pat. No. 6,542,743), which is also assigned to Applicant. This rejection of Claims 1-11 and 15-20 is traversed.

Claim 1

A rejection under 35 U.S.C. 102 requires that each feature of the rejected claim be taught or suggested in the applied reference. The rejection of claim 1 under 35 U.S.C. 102(e) is improper, because the cited portions of Soliman fail to disclose the particular features of independent Claim 1, as explained in detail below. Claim 1 recites, in part:

- (1) “determining a distance ...”;
- (2) “estimating a nominal PN offset ... based on the distance ...”; and
- (3) “determining a search window ... based on the estimate of the nominal PN offset.”

The Office Action cites column 8, lines 33-64 of Soliman as teaching “estimating a nominal PN offset ... based on the distance,” and cites column 8, line 65 to column 9, line 20 as teaching “determining a search window ... based on the estimate of the nominal PN offset.” However, Applicant finds no such teaching.

Instead, column 8 lines 33-64 of Soliman teaches that search window sizes are determined based on the location of the mobile station: “the base station ... populates the appropriate fields ... according to the position of the mobile station. These fields include a list of neighboring pilots and their associated search window sizes.” (Please see column 8 lines 33-40 of Soliman). Additionally, “The search window sizes are determined considering the mobile location within the serving cell.” (Please see column 8, lines 40-44 of Soliman). Column 8 line 65 to column 9 line 20 teaches (in part) that “search parameters may also be chosen based upon the location of the mobile....These search list and search parameters utilize knowledge of the location of the mobile to particularize or ‘customize’ the search list and search parameters.”

Applicant thus fails to see a disclosure of the particular features of pending claim 1 in the cited portions of Soliman. Although the cited portions of Soliman do teach determining search window sizes based on location, claim 1 requires more. Particularly, claim 1 requires “estimating *a nominal PN offset* of signals transmitted between the base station and the at least one mobile terminal based on the distance between the at least one mobile terminal and the base station” and “determining a search window used for processing received signals *based on the estimate of the nominal PN offset*” (emphasis added).

If the Examiner intends to maintain this rejection, Applicant respectfully requests that the Examiner specifically identify what in Soliman discloses these missing features. Thus, Applicant respectfully submits that Claim 1 is patentable over Soliman. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 2-8

Claims 2-8 depend from Claim 1 and are, therefore, likewise patentable for at least the reasons of allowability of independent Claim 1.

Claims 9-11 and 15-20

Independent claims 9, 11, 15, and 18 include features similar to claim 1, and are therefore patentable over Soliman for at least similar reasons to those outlined above with respect to claim 1. Again, if the Examiner intends to maintain the rejection of claims 9, 11, 15, and 18, Applicant respectfully requests that the Examiner specifically identify what in Soliman discloses these missing features.

Claims 10, 16, 17, 19, and 20 depend from the independent claims noted above, and are thus patentable for at least the same reasons. Reconsideration and withdrawal of the rejections are respectfully requested.

Applicant respectfully submits that Claims 1-11 and 15-20 are patentable over Soliman at least for the reasons described above. Reconsideration and withdrawal of this rejection of Claims 1-11 and 15-20 are respectfully requested.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In light of the comments herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees that may be due or credit any overpayments associated with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: October 18, 2007

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Title: "Communication system performance using position location information"

First Named Inventor: Andrew Sendonaris

Application Serial No.: 10/650,270

Attorney Docket No.: 010326

Annotated Sheet

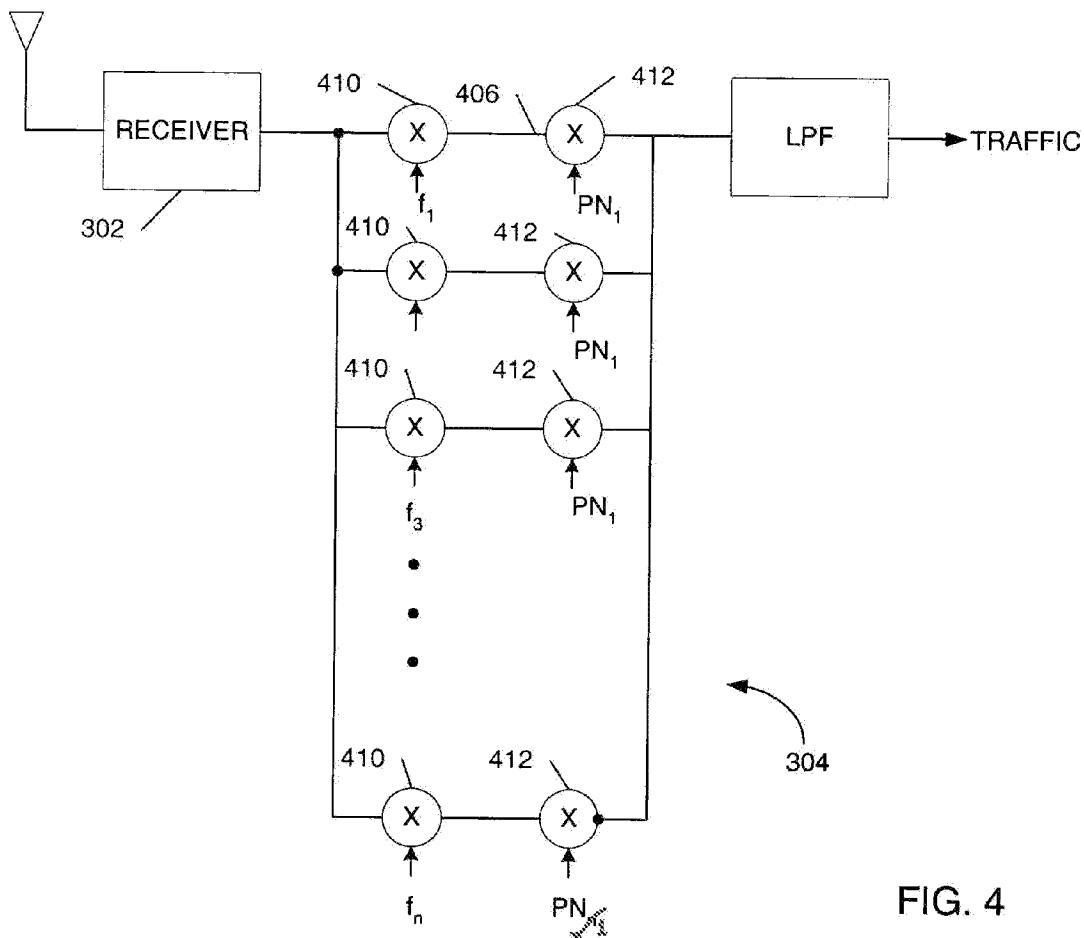


FIG. 4